

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CRAIG ALFORD,

Plaintiff,

v.

LEA BAYLOR, *et al.*,

Defendants.

No. 1:20-CV-01787

(Chief Judge Brann)

ORDER

AND NOW, this 9th day of August 2022, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Defendants' motion (Doc. 79) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) is **GRANTED** in part and **DENIED** in part, as follows:
 - a. Defendants' motion is **GRANTED** as to Alford's individual capacity Fourteenth Amendment due process claim against defendant Warden. Said claim is **DISMISSED** with prejudice.
 - b. Defendants' motion is **DENIED** in all other respects.
2. Alford's official capacity Fourteenth Amendment due process claims against defendants Baylor, Armond, and Warden are **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim on which relief may be granted.
3. No further leave to amend shall be granted as amendment would be futile and because Alford has failed to cure the deficiencies with previous amendments allowed. *See Grayson v. Mayview State Hosp.*, 293 F.3d 103, 114 (3d Cir. 2002).

4. This case shall proceed on the following claims: (1) Alford's official capacity Fourteenth Amendment due process claim against defendant Haidle, and (2) Alford's individual capacity Fourteenth Amendment due process claims against defendants Baylor, Armond, and Haidle.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge